

Title 200 - NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

CHAPTER 7 - GENERAL PROVISIONS.

001 Powers of the Department. Nothing in the Remedial Action Act or in these regulations shall be construed to limit the powers of the department or preclude the pursuit of any other administrative, civil, injunctive, or criminal remedies by the department or any other person.

001.01 Administrative remedies need not be exhausted in order to proceed under these statutes or regulations.

001.02 The remedies provided by these statutes and regulations shall be in addition to those provided under existing statutory or common law.

002 Intervention. For purposes of Neb. Rev. Stat. §25-328, the state shall have an interest in any litigation which might result in a third-party claim.

003 Duty to Notify. Nothing in the Remedial Action Act or these regulations shall be construed to limit a person's duty to notify the department and the State Fire Marshal or to take other action related to a release as required pursuant to the NEPA or the Storage and Handling Act.

004 Severability. If any clause, paragraph, subsection, or section of these regulations shall be held invalid, it shall conclusively be presumed that the Environmental Quality Council would have enacted the remainder of these regulations not directly related to such clause, paragraph, subsection, or section.

005 Appeals. Any appeal from a final order or final decision of the director shall be pursuant to Neb. Rev. Stat. §81-1509.

006 Effective Date and Repeal of Earlier Rules.

006.01 These rules and regulations shall become effective five days after filing with the Secretary of State.

006.02 Earlier versions of these regulations are hereby repealed.

Enabling Legislation: Neb. Rev. Stat. §§66-1517, 66-1518 (Supp. 1999); 81-1509 (Cum. Supp. 1998); 84-907 (Reissue 1994)

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